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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

UNITED STATES OF AMERICA,

Case No. 3:12-cv-02265-SI

Plaintiff,

v.

THE CITY OF PORTLAND

Defendants.

**JOINT MOTION TO ENTER
SETTLEMENT AGREEMENT
AND CONDITIONAL DISMISSAL OF
ACTION**

Fed. R. Civ. P. 41(a)(2)

The Parties, by and through their counsel, jointly move the Court to enter an Order approving the attached proposed Settlement Agreement (“Agreement”) to resolve the Complaint filed in the above-captioned case, and conditionally dismissing the action pursuant to Fed. R. Civ. P. 41(a)(2), subject to the Court retaining jurisdiction to enforce the Agreement, followed by final dismissal with prejudice upon performance of this Agreement. The parties request that the Court place the ultimately approved Agreement on the Court’s inactive docket subject to recall to the active docket should enforcement of the Agreement become necessary.

This Motion is supported by the accompanying Memorandum of Law and Declarations of Assistant United States Attorney Billy J. Williams and Advisor to the Mayor Clay Neal.

DATED this 17th day of December, 2012.

Respectfully submitted,

For the United States:

<p>S. AMANDA MARSHALL United States Attorney District of Oregon</p> <p><u>/s/ Adrian L. Brown</u> ADRIAN L. BROWN BILLY J. WILLIAMS Assistant U.S. AttorneyS</p>	<p>THOMAS E. PEREZ Assistant Attorney General Civil Rights Division</p> <p>JONATHAN M. SMITH Chief, Special Litigation Section</p> <p><u>/s/ Laura L. Coon</u> LAURA L. COON Special Counsel</p> <p><u>/s/ R. Jonas Geissler</u> R. JONAS GEISSLER</p> <p><u>/s/ Michelle A. Jones</u> MICHELLE A. JONES</p> <p>Senior Trial Attorneys</p>
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For the City of Portland:

/s/ James H. Van Dyke
JAMES H. VAN DYKE
City Attorney